

REMARKS

This Response is in reply to the Final Office Action dated September 15, 2005. In the Office Action, claims 4-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,253,193 to Ginter et al. ("Ginter") in view of U.S. Patent No. 6,424,949 to Deaton et al. ("Deaton"). In response, Applicants have amended claims 4-6. No new matter has been added by these amendments. Applicants respectfully submit that the rejections over claims 4-6 are either improper or have been overcome. Accordingly, Applicants respectfully request that the rejections be withdrawn and favorable consideration be given herein.

At a minimum, the cited art fails to teach, suggest or disclose "control means for determining whether a usage control status exists in the storage means;" as recited in amended claim 4, and as similarly recited in amended claims 5 and 6. Support for this claimed feature can be found in the Specification, for example, at page 39, lines 2-10 and Figure 16. Further, the cited art fails to teach, suggest or disclose "generating the usage control status, whether the usage control status exists or not in the storage means" as recited in amended claim 4, and as similarly recited in amended claims 5 and 6. Support for this claimed feature can be found in the Specification, for example, at page 33, line 14, though page 34, line 12; page 40, lines 3-19; and, Figure 16.

Regarding the cited art references Ginter and Deaton, they fail to teach, suggest or disclose those features as claimed by amended claims 4-6. Accordingly, Applicants respectfully submit that the obviousness rejection of such claims has been overcome, and the rejection should be withdrawn.

Additionally, regarding Ginter, the reference discloses methods of pricing content based upon the nature of the content and/or the quantity therein. See, Ginter, column 22, lines 47-67). In this regard, Ginter determines and updates data in relation to pricing as determined by the nature and/or quality of the content therein. Accordingly, pricing for the data that a customer wishes to purchase is based upon the nature of the content or the quantity of the content selected by the customer. In contrast, in an embodiment of the pending application, the usage control status includes, in part, a price tag. The data in the price tag contains information corresponding to the content and the usage control policy. In this regard, the specified content has a predefined usage that is governed by the usage control status, as determined, in part, by the price tag and the

usage control policy. Accordingly, the usage control status in turn is based upon the prior usage, if any, and the usage paid for, if any. Thus, the price tag is directed to providing information together with the usage control policy to create, in part, the usage control status. Clearly, Ginter fails to make the pending claim language obvious.

Regarding Deaton, the disclosure is directed to methods and systems for processing and developing a customer database of customer information, such as credit verification status and transaction frequency, that can be used for credit verification, targeted customer marketing and other customer relations purposes. See Deaton, column 1, lines 57-63. Deaton teaches that one can use a customer's financial instrument account number as a unique customer identification number. Deaton also teaches providing automatic targeting of individual customers based on their shopping history, thus, enabling generation of coupons or other incentives which are specifically targeted to a specific customer based on his or her prior history. See, Deaton, column 7, lines 31-35. Accordingly, the system in Deaton provides that one can verify the legitimacy and fund sufficiency of a customer's check as well as, using the account number from the check, determine whether the customer is a frequent shopping, and if so, whether the customer is a big spender or not. The system in Deaton provides the user with the ability to target each customer, as they pay, with relevant and targeted coupons and discounts for their immediate or future purchases. Clearly, even if properly combinable with Ginter, this does not teach, suggest or disclose the presently claimed language.


More specifically, Deaton checks a customer's account number and accesses a database to determine whether that number corresponds to a returning customer. If so, Deaton identifies the customer as to what type of customer they may be in order to provide check verification and coupons based upon past shopping habits. Clearly, not only is this is patentably different from the claim language, but it is a different subject matter from the claim language. For example, the present claim language provides that a content's allowable usage may be determined based upon received content that provides a predefined way in which the content is used. This predefined way is controlled, in part, by a usage control policy and price tag. In this regard, depending upon the number of times the content has been accessed, if any, and based upon the usage paid for, if any, the content may be used in a particular manner.

Accordingly, Deaton and Ginter, alone or in combination, fail to teach, suggest or disclose the present application as claimed. Claims 4-6 call for features for receiving encrypted content, a usage control policy including a plurality of usage contents each of which defines a predefined way the content is used, and a price tag including a plurality of prices each of which corresponds to the predefined way. These features of the present invention as described in Claims 4-6 are not disclosed or suggested in either of the cited references, alone or in combination. For at least these reasons, Claims 4-6 are allowable over Ginter in view of Deaton, even if properly combinable.

In light of the above, Applicants respectfully submit that Claims 4-6 are patentable over the art of record. Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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